

Tender No: 206Q/2023/24 - PROVISION OF CONSTRUCTION WORKS FOR THE INSTALLATION AND REPLACEMENT OF ELECTRICAL EQUIPMENT AND INFRASTRUCTURE

Boardroom 3.69, 3rd Floor, Head Office Building, Bloemhof Centre, Oakdale, Bellville.

At 10:00 am

Date: 11 April 2024

Attendees: see attached attendance register

Apologies: see attached attendance register

Non- compulsory briefing

INTRODUCTION by Monwabisi Bana

It was noted that the clarification meeting is an overview of the Tender Document and that the aim of the session will be to highlight some important aspects of the Tender Document. Tenderers were made aware that it is their responsibility to familiarise themselves with the contents of the full Tender documents published. Tenderers requested to email all questions regarding the tender to: Maintenanceservice.standards2@capetown.gov.za, and refrain from communicating directly with other City of Cape Town employees.

The following parts of the tender document were discussed in the form of a summarised presentation:

Volume 1 – Tendering Procedures

- **Tender Cover Page**

The number and description of the tender was explained, the envisaged contract is a framework contract (winner takes all type) with multiple works projects to emanate from it. The range of the works projects value has been set from above R 1 000 to R 10 000 000 – this is the maximum value for one works project. The contract period is 36 months from date of commencement.

- **General Tender Information (Page i)**

The tender was advertised on 28th of March 2024 with a CIDB Grading requirement of 5EP or higher. The non-compulsory clarification meeting is being held Bloemhof Electricity Headquarters in Boardroom 3.69 on 11 April 2024 at 10:00. The closing date of the tender 2 May 2024 at 10:00. The tender submissions are to be handed at tender box 116 at the at the 2nd Floor Civic Centre, 2 Hertzog Boulevard, Cape Town, and not in Bloemhof. It was also explained that if the document refers to any trademark, brand, patent it shall be deemed to be accompanied by the words equivalent.

- **Tender Notice and Invitation to Tender (Page 2)**

Tenderers must be registered on the Supplier Database. Those not registered must be registered upon request to do so. It was emphasised that Tenderers must have a CIDB grading of 5EP or higher. The tenderers are reminded that the collection of tender documents can be done at: Tender Distribution Office, 2nd Floor (Concourse Level), Civic Centre, 12 Hertzog Boulevard, Cape Town. A non-refundable fee is R300 payable by Cash or EFT. Telegraphic, telephonic, telex, facsimile, e-mail and late tenders will not be accepted – Tenderers are to ensure that they are in possession of a hard copy of the tender document.

- **Tender Data (Page 4)**

The tender is based on the General Conditions of Contract for Construction Works (GCC), 2015. Further documents which are part of the tender:

- Volume 4 – Drawings listed in C3.2 Engineering
- Volume 5 – GCC for Construction works
- Volume 6 – SANS standardised Specifications & the COTO standard specifications for Civil Engineering Construction.
- Volume 7 - The Works Project contract document (separate document to be issued for each Works Project – not part of tender document but will be issued at commencement of contract).
- Employer’s agents – Page 5 – three employer’s agents: 1 for Energy, 1 for Water and Sanitation and 1 for Human Settlements.

- **C1.6 - Procurement Procedures (Page 6)**

Seven work categories within the City of Cape Town municipal areas have been identified:

- Electrification and backyarders
- Infrastructure projects
- Equipment replacement
- Public lighting and telecommunications
- Service Connections
- Human Settlements
- Water and Sanitation

An overview of each works category was provided. The areas of responsibilities and municipal boundaries were defined and discussed for each of the three Directorates, as presented in the tender document:

- For the Energy Directorate, the City of Cape Town Electricity Supply boundaries encompass three distribution areas within the City of Cape Town municipal boundaries. Each distribution area has four districts within its boundaries.
- For Water and Sanitation Directorate, the areas of responsibility and facilities will be anywhere within the City of Cape Town municipal boundaries.
- For Human Settlements Directorate, the areas of responsibility will be anywhere within the municipal boundaries as directed by the delegated authority.

The Appointment of Contractors (Page 8): The Employer intends to appoint one contractor (the highest ranked tenderer (“the winner”) and in addition an alternative panel of one contractor) for each work category for the allocation of work on a “winnertakes-all” basis but reserves the right to appoint fewer tenderers to the alternative panel, or not to appoint a winner and/or alternative panel at all, for a work category or work

categories. Tenderers may elect to tender for all work categories or less, as indicated by them in the schedule titled Work categories of Preference (Schedule19).

- **C.2 Tenderer's Obligations (page 11)**

C.2.1.1, C.2.1.3 and C.2.1.4.1 were explained:

C.2.1.1 Tenderers are obligated to submit a tender offer that complies in all aspects to the conditions as detailed in this tender document. An acceptable tender MUST COMPLY IN ALL ASPECTS with the tender conditions, specifications, pricing instructions and contract conditions.

C.2.1.3 Only those tender submissions from which it can be established that a clear and unambiguous offer has been made to Employer, by whom the offer has been made and what the offer constitutes, will be declared responsive.

C.2.1.4.1 Only tenderers who are registered with the CIDB, or capable of being so prior to the evaluation of submissions, in a contractor grading designation equal to or higher than a 5EP contractor grading designation, are eligible to have their tenders evaluated.

Joint Ventures are eligible to submit tenders provided that: every member of the joint venture is registered with an active status with the CIDB the lead partner has a contractor grading designation of not lower than one level below the required grading designation in the EP class of construction work and the combined contractor grading designation calculated in accordance with the Construction Industry Development Regulations is equal to or higher than a 5EP contractor grading designation.

- **C.2.1.4.2 Compliance with Requirements of CCT SCM Policy and Procedures**

Only those tenders that comply with the requirements of the City of Cape Town Policy and Procedures will be declared responsive. Details provided in the tender document on page 11 were discussed.

- **C.2.1.4.3 Minimum Score for Functionality (page 12)**

To be considered for a contract in terms of this tender, tenderers must achieve the minimum score for functionality which was discussed alongside the functionality criteria table (provided in the tender document). The description of the functionality criteria and the maximum possible score for each work category is shown in the table. The score achieved for functionality will be the sum of the scores achieved, in the evaluation process, for the individual criteria. Previous Experience must be populated on Schedule 9 of the Returnable Schedules. Details of Staff shall be entered into Schedule 12 of the Returnable Schedules. If the required proof is not supplied as stated in the functionality criteria, 0 points will be awarded for the relevant criteria.

0 points will be awarded for evaluation scoring of each functionality criteria if the minimum requirements of each criteria is not achieved. The minimum required score for functionality is 70 points. Tenderers who fail to meet the minimum score will be declared non responsive.

Description of the Works for minimum quantities of personnel per work category is described in clause 5.5.

If the tenderer intends to submit an offer for more than one category, please provide additional resources (staff). Tenderers to populate the returnable schedules indicating their experience and staff compliments. No “new information” will be accepted after close of tender i.e. additional electricians, supervisors or jointers. The BEC may request clarity on information provided by the tenderer.

Proof of Tools, equipment & vehicles will be required before commencement of contract.

- **C.2.1.4.5 Good Standing with Bargaining Council (page 15)**

Only those tenders submitted by tenderers who are in good standing with the National Bargaining Council for the Electrical Industry of South Africa at the time of the tender award will be declared responsive. Tenderers must attach such proof to the schedule titled Declaration in Respect of Compliance with Labour Legislation or obtain such upon being requested to do so in writing and within the period contained in such a request, failing which their tenders will be declared non-responsive.

- **C.2.10.5 – Pricing the Tender Offer (page 15)**

Tenderers to submit rates only for the work categories tendered for. If a nil rate is inserted it will be considered that there is no charge for the item and if work is required which will include the item, no payment will be made for items with nil rates. The tenderer may be requested by the Employer to clarify nil rates or items regarded as having nil rates. The Employer may also perform a risk analysis in respect of such rates.

- **C.2.12.1 Alternative Rates/Tender Offers**

Alternative rates and tender offers will not be considered.

- **Submitting a Tender Offer**

1 copy of the following elements of the bid submission must be submitted separately bound in the same envelope, where possible:

- T2.2 Returnable Schedules
- All other attachments submitted by bidder.

- **A two envelope procedure WILL NOT be followed.**

- **Tender Offer Validity**

C.2.16.1 The tender offer validity period is 12 weeks (84 days). Notwithstanding the period stated above, bids shall remain valid for acceptance for a period of twelve (12) months after the expiry of the original validity period, unless the City is notified in writing of anything to the contrary by the bidder.

- **Clarification of tender offer after submission**

A tender will be rejected as non-responsive if the tenderer fails to provide any clarification or supporting documentation requested by the Employer within the time for submission stated in the Employer’s written request for such clarification or documentation.

- **Evaluation of tender offers (page 19)**

Will be evaluated on Functionality scoring and in terms of the requirements of the Preferential Procurement Regulations. The 90/10 preference point system is applicable to this tender. 90 points for price, 10 points for preference (specific goals). Preference points shall be based on the Specific Goal which was discussed in detail alongside the table for Specific Goals, as presented on page 20 of the tender document.

- **C.3.11.1 General Procurement Procedures (page 21)**

The Employer shall have assigned quantities to the items in the Schedules of Rates necessary for the execution of the representative Works Projects. The assigned quantities shall be multiplied by the tendered rates submitted by the tenderers to obtain amounts that will be totalled to provide a financial offer for each tenderer for the representative Works Projects. The financial offer per work category, required in terms of the Preferential Procurement Regulations, shall be determined by the sum of the representative Works Projects for each tenderer.

- **C.3.19 Negotiations with Preferred Tenderers**

The COCT may negotiate the final terms of a contract with tenderers identified through a competitive tendering process as preferred tenderers provided that such negotiation does not allow any preferred tenderer a second or unfair opportunity, is not to the detriment of any other tenderer and does not lead to a higher price than the tender as submitted.

Volume 2 – Returnable Documents

- **C1.1 Form of Offer and Acceptance (page 41)**

Tenderers to ensure that the form of offer is populated correctly and the person who signs must be authorised to sign the offer or enter into contracts on behalf of the company.

- **C2.2 Schedules of Rates (page 46) to be populated by the tenderer**

- **Reference to C2.1 Pricing Assumptions (page 346 - 348)**

BOQ consists of 7 BOQ's: tenderers to populate rates for their preferred work category. The contract envisaged is a rates based contract, not lump sum. All activities where labour intensive methods will be utilised are identified in the BOQ and marked with #. Items marked with “ # ”, applied to EPWP requirements and employment of local resources from the community required. Separate rate will not be accommodated for PPE, employment of EPWP resources. The excavation rate must be inclusive of all costs incurred to execute the work (includes costs for the employment of EPWP-recruitment, employment, induction and remuneration of EPWP workers, issuing of PPE, medical certificates of fitness and administrative reporting of employment opportunities). Tenderers to note that rates for excavation, backfilling and re-instatement shall include the bulking and compaction factors of materials. Tenderers requested to only populate rates for their desired works categories.

- **Declaration in respect of correctness to be signed (page 271). Tenderers to sign to acknowledge that rates are correct. Rates for CLO are may now be provided separate.**

- **T2.2 Returnable Schedules (page 272)**

Tenderers to ensure that all the schedules are completed and signed:

1. Compulsory Enterprise Questionnaire
2. Certificate of Independent Tender Determination

3. Certificate of Authority For Joint Ventures (Signed Where Applicable).
4. Declaration of Tenderer's Past Supply Chain Management Practices (MBD 8).
5. Declaration of Interest – State Employees (MBD 4 Amended).
6. Authorisation For The Deduction of Outstanding Amounts Owed to The City of Cape Town.
7. Declaration In Respect of Compliance With Labour Legislation.
8. Confirmation of City of Cape Town Supplier Database Registration.

- **Regarding Schedules, Tenderer's to refrain from writing "SEE ATTACHED ANNEXURE" or " Staff will be provided at commencement of contract".**
- **SCHEDULE 12: DETAILS OF QUALIFICATIONS AND EXPERIENCE OF STAFF**
- **SCHEDULE 13: SCHEDULE OF CONSTRUCTION EQUIPMENT (page 294)**
 - For information only – To be required at contract commencement.
- **SCHEDULE 13: VEHICLES AND SPECIALISED EQUIPMENT (page 295)**
 - For information only – To be required at contract commencement
- **SCHEDULE 14: DETAILS OF TENDERER'S WORKSHOP FACILITIES (page 296)**
 - For information only – to be required at contract commencement.
- **SCHEDULE 15: SCHEDULE OF SUB-CONTRACTORS (page 297)**
 - For information only.
 - Sub-Contractors undertaking reinstatement activities must have a CIDB grading of 1CE or higher.
- **SCHEDULE 16: HEALTH AND SAFETY PLAN (page 298)**
 - For information only
- **SCHEDULE 17: PROPOSED DEVIATIONS AND QUALIFICATIONS BY TENDERER (page 299)**
- **SCHEDULE 18: FUNCTIONALITY CRITERIA**
- **SCHEDULE 19: WORK CATEGORIES OF PREFERENCE (page 301)**
- **SCHEDULE 20: NOT USED (page 302)**
- **SCHEDULE 21: PRICE BASIS FOR IMPORTED RESOURCES – NOT APPLICABLE (page 303)**
- **SCHEDULE 22: RECORD OF ADDENDA TO TENDER DOCUMENTS (page 304)**
 - Confirmation of communications received from the Employer.
- **SCHEDULE 23: PREFERENCE SCHEDULE (page 305)**
 - 90/10 points system where: 90 points total for Price and 10 points total for Specific Goals
- **Specific goals (page 306)**
 - Tenderers to populate points claimed for specific goals.
- **3.1 Points awarded for price**
 - Formula used for points system discussed as presented in the tender document:

A maximum of 90 points is allocated for price on the following basis:

90/10

$$P_s = 90 \left(1 - \frac{P_t - P_{min}}{P_{min}} \right)$$

Where

- Ps = Points scored for price of tender under consideration
Pt = Price of tender under consideration
Pmin = Price of lowest acceptable tender

- **SCHEDULE 24 : INFORMATION TO BE PROVIDED WITH THE TENDER (page 308)**
 - A list of the required information was discussed (as presented in the tender document)

Volume 3 – Draft Contract

- **Contract Specific Data (page 311)**

The contract specific data, referring to the General Conditions of Contract for Construction Works, Third Edition, 2015, are applicable to this Contract.
- **Clause 1.1.1.11: The Contract Sum for each Works Project shall exceed R 1 000 and not exceed R 10 000 000 (including contingencies and VAT).**
- **Clause 1.1.1.13: The Defects Liability Period is 12 months per Works Project.**
- **Clause 1.1.1.26: The Pricing Strategy is a Re-measurement Contract - the final value of the works is not predetermined, instead it is based on the actual quantities of work carried out as per the contract's rates**
- **Framework Contract Manager's Details:**

Details of the relevant framework contract managers were provided. HOWEVER, tenderers were advised to not make contact with framework contract managers during tender process with queries regarding the tender.
- **Clause 5.1.2 Framework Contract Period**

The Framework Contract Period is for a period of 36 months from calculated from the Commencement Date.
- **Clause 5.13.1: The penalty for failing to complete the Works of each Works Project within the time referred to in Clause 1.1.1.14 is 1% of the Purchase Order Value or R 1 000 (whichever is greater) per day.**
- **Clause 5.16.3: The latent defects period is 5 years.**
- **Clause 6.2.1: Performance Guarantee**

The security to be provided by the Contractor shall be a blanket performance guarantee of R650 000 per work category. it shall be issued by a financial institution approved by the Employer.

- **Clause 6.8.2: Contract Price Adjustment (page 319):**
 - L – Labour – CPI
 - P – Plant Index
 - M – Materials Index
 - F – Fuel Index

- **Clause 6.10.3: interim payments to the Contractor shall be subject to a retention by the Employer of an amount of 10% (provided that for Works Projects less than or equal to R200 000 retention is waived) of the said amounts due to the Contractor, with no limit per Works Project.**
- **Clause 8.6.1.1.1: Insurance of R 5 000 000 for each Works Project per work category.**
- **Clause 8.6.1.3: The limit of indemnity for liability insurance is R20 000 000.00 for any single claim – the number of claims to be unlimited during the construction and defects liability periods.**
- **Clause 8.6.1.5 : Additional Insurances to be provided**
 - Insurance of Construction Equipment
 - Insurance in terms of COIDA 1993
 - Motor Vehicle Liability Insurance
 - Adequate insurance for materials and equipment for fabrication and manufacturing, if applicable.

- **Performance Guarantee (page 330)**
 - Bank to keep the clauses in the guarantee as they are.

- **List of Approved Financial Institutions (Page 333)**

- **Form of Advance payment - Not applicable (page 334)**

- **Schedule of Plant and materials – Not Applicable (page 337)**

- **C1.5 Occupational Health and Safety Agreement (page 338) - to be completed by all tenderers.**

- **C1.6 Protection of the Environment Declaration (page 339)**

- **C1.8 Contract of Temporary Employment as Community Liaison Officer (341) - Form to be used during the contract for CLO.**

- **C2.1 Pricing Assumptions (page 346 - 347)**

- **C3.1 Description of the Works (page 350)**

Brief overview given of the following information as described in the tender documentation:

 - Employer's Objectives

The City of Cape Town needs to augment its internal capacity to execute construction works projects for the installation and replacement of low voltage and medium voltage electricity distribution equipment and infrastructure in different sections of the City's extensive electricity networks including other affected facilities and installations within the City of Cape Town Municipal boundaries. The intent is to execute construction works projects as and when required as the exigencies of service delivery dictate for a contract period not exceeding thirty six (36) months from date of commencement. For the purposes of this tender, the execution of the construction works projects will be limited to Energy, Water and Sanitation as well as Human Settlements Directorates.

- Overview Of The Works

Work covered by this specification involves excavation and trenching, underground cable and equipment installation, backfilling, jointing and termination of cables, planting of poles, overhead cable or conductor work, labelling of equipment and other electrical reticulation activities for various Works Projects within the boundaries of the City of Cape Town metropolitan municipality at rates tendered and accepted in the Schedules of Rates for a period of 36 months from date of commencement of contract. The key functions for which the scope of work of this specification encompasses are inter alia electrification of formal and informal settlements (for subsidised electrical connections), equipment replacement, electrical reticulation upgrades, street lighting installations, electrical service connection installation work and other related functions as required.

- Extent Of The Works

Seven work categories as mentioned previously.

- **5.1 Local Office**

- Before commencement of contract, the successful tenderer must have an office with storage facilities within the City of Cape Town Municipal boundaries – proof will be requested at contract commencement.

- **5.4 Contractor's Key Staff**

Overview given of key staff required:

- Project Leader - overseeing all activities for this contract.
- Construction Manager - managing construction work activities.
- Construction Supervisor - shall supervise construction activities.
- Electrician
- Semi-Skilled (Handyman)
- Cable Jointer

- **5.5 Contractor's Crews (page 356)**

The contractor must maintain the following minimum quantities of personnel per work category:

- 1 x Project Leader
- 1 x Construction Manager
- 1 x Administration Officer
- 6 x Construction Supervisors
- 6 x Electricians (Trade Tested)

- 1 x Installation Electrician registered with the Department of Labour as defined in the Electrical Installation Regulations
- 6 x Cable Jointers
- 6 x Semi-skilled Persons
- 1 x Welder
- 60 General workers

• **QUESTIONS AND RESPONSES**

NO.	QUESTION	RESPONSE
1	On the 7 works categories: if you only want to be considered for 1 works category but willing to quote/price on all works category. How do you qualify/quantify that you only want to be considered for 1?	Provide all resources for the preferred work category and we will consider this information – the highest ranked tenderer for each work category will be appointed. It will assist, if tenderers could indicate in their submissions what their preference is, through a letter or equivalent attachment.
2	How many contractors is CCT willing to employ for this contract?	There will be 1 main contractor and 1 alternative contractor that will be awarded PER WORK CATEGORY.
3	No availability of the tender documents at Civic Center, when will copies of the document be made available for collection?	Tenderers can send email to the email address for correspondence and provide proof of payment if payment has been made. When the documents are available, tenderers will be advised when hard copies can be collected or a soft copy of the documents will be made available.
4	Refer to slide 14 of the presentation – how will CIDB grading in the EP class work with joint ventures and what grading level must each partner in the joint venture have to qualify?	A total CIDB grading of 5EP is required. Each partner within joint venture must have CIDB grading and the Lead partner must not have a CIDB grading lower than 1 level of the required 5 EP grading ie., not lower than 4EP.
5	Is it possible to request the BoQ in excel?	Unfortunately a word or excel format of the BoQ cannot be provided. Only the copy provided in tender document in hard or soft copy is available.
6	From constructon supervisor to semi skilled worker, each individual needs to have certification for working at heights, cherry picker, crane truck operator etc. why is that necessary?	These certifications are not required now as part of the tender submission and will only be required at contract commencement.
7	No reference of LV jointers on the tender - what category will that fall under?	In terms of jointing, it is taken that all persons who have undertaken MV jointing are competent to do LV jointing. However, LV jointers aren't necessarily capable of undertaking MV jointing. CCT requires all jointers to be certified for MV jointing and so, can also do LV joints.
8	Level 2 first aid. Department doesn't have "Level 1 or level 2" of first aid certification indicated on certificates anymore. So what are the requirements for first aid certification now?	This can be discussed at award with successful tenderer as this documentation is not required during tender stage.

9	Clarity on qualifications for different categories. Will you require the minimum amount of cable jointers per work category or the minimum amount of jointers specified for all work categories (i.e., 6 jointers per work category OR 6 jointers x 7 work categories so a total of 42 jointers for all work categories)?	The requirement is a minimum of 6 jointers FOR EACH WORK CATEGORY. If you are submitting for all categories it must be (6 cable jointers x 7 work categories = 42 cable jointers.)
10	It was mentioned that tenderers must populate the CLO rates separately. Assuming CCT appointments multiple different contractors for the various work categories. Will that not cause issues if there are discrepancies in different quoted values by contractors/tenderers who are all required to perform the same function? CLO rate in tender says R360 but the prescribed rate by the EPWP office now is R500 – you can pay less but this is the rate prescribed by the EPWP office.	There are minimum prices that are prescribed for CLO that may be used. CCT only deals with what is prescribed by the department of labour and our own EPWP policies but this can be discussed when the successful contractor undertakes the works projects. Tenderers are advised to put in rate that is suitable for CLO and can be discussed at the contract commencement. Tenderers are advised to consult the prescribed rates given by the department of labour and EPWP office.
11	Penalties for EPWP - if you aren't able to achieve minimum 5% required, then what proof can be submitted if not able to achieve the required 5%?	The 5% is not confined to a single project, cumulatively the 5% must be achieved within the entire contract. Not achieving this minimum is therefore slim. Please ensure that this is achieved and keep in mind that it is not confined to one project. There are EPWP targets that must be met and the contractor will routinely be informed on achieving the target.

Meeting closed

Presenter: M. Bana

Signature:



